

VILLAGE OF CARPENTERSVILLE

1200 L. W. Besinger Drive
Carpentersville, Illinois 60110
847-426-3439

Village President
John Skillman

Village Clerk
Tania Gomez

Village Manager
John O'Sullivan _____ *Concur*

Village Trustees
Dickie Abbott
Jeff Frost
Humberto Garcia
Jim Malone
Denise Richardson
Brenda Sandoval

BOARD REPORT

TO: Village President, Board of Trustees, Manager, and Attorney
FROM: Tim Brinkmann, Asst. Community Development Director
DATE: March 5, 2024
SUBJECT: Stormwater Fee-in-Lieu Program

BACKGROUND

In 2023, Habitat for Humanity submitted a proposal to the Village to develop a subdivision at the corner of Kings Road and Oxford Drive. The property is very steep in certain places and the engineer working with Habitat for Humanity noted that stormwater runoff will be an issue for the site. Habitat for Humanity and their design team met with the Village's Community Development and Public Works Departments multiple times in 2023 and the proposal of a Stormwater Fee-in-Lieu Program was discussed to help mitigate the cost of stormwater containment for the subdivision.

ANALYSIS

Staff has reviewed the Stormwater Fee-in-Lieu Program for compliance with the specific code requirements for stormwater management and the construction of storm sewers and appurtenances, and determined that it generally meets all applicable village requirements. Therefore, if the Village Board recommends approval of the Stormwater Fee-in-Lieu Program, staff requests that the recommendation include a condition that all details be finalized to the satisfaction of the Village Engineer.

FISCAL IMPACT

Staff finds that the approval or disapproval of the proposed Stormwater Fee-in-Lieu Program has no specific or direct fiscal impact upon the Village.

DEPARTMENT RECOMMENDATIONS

Staff recommends that the Village Board of Trustees approve the proposed Stormwater Fee-in-Lieu Program.

ORDINANCE NO. 24-13

AN ORDINANCE AMENDING TITLE 17 OF THE "CARPENTERSVILLE MUNICIPAL CODE,"
REGARDING A STORMWATER FEE-IN-LIEU PROGRAM

WHEREAS, the "Subdivision Ordinance of the Village of Carpentersville," as amended ("*Subdivision Ordinance*"), sets forth subdivision development regulations applicable in the Village of Carpentersville; and

WHEREAS, Subsection 17.20.120 of the Subdivision Ordinance regulates storm sewers in the Village; and

WHEREAS, the Village of Carpentersville has initiated amendments to Subsection 17.20.120 of the Subdivision Ordinance to add a stormwater fee-in-lieu program for subdivisions and private developments (collectively the "*Proposed Amendment*"); and,

WHEREAS, pursuant to Sections 2.14.040 of the Village Code, a public meeting of the Village Board of the Village of Carpentersville ("*Village Board*") to consider approval of the Proposed Amendment was duly advertised in the Daily Herald on February __, 2024, and was held on March __, 2024; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendment, and have determined that adoption of the Proposed Amendment, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Kane County, Illinois, as follows:

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: SUBSECTION 17.20.120 STORM SEWERS.

Portions of Section 17.20.120 titled "Storm Sewers," are hereby amended to read as follows (Additions are bold and double underlined; deletions are struck through):

E. Stormwater Fee-in-Lieu Program

- 1. This Section may provide the owner/developer with an alternative to physically providing for detention storage of excess stormwater runoff for the development or improvement. In certain circumstances, subject to approval by the Village on the conditions set forth herein, the owner or other person proposing development ("owner") shall have the option of paying a fee to the Village in lieu of complying with the provisions of this Chapter that require physical detention storage for stormwater. The fee shall be in an amount that is equal to the cost, as estimated by the Village, for providing an alternate means of stormwater management ("alternate stormwater management measures") that substantially satisfies the requirements this Chapter. Calculations of such increased amount of stormwater runoff to be caused by**

the proposed development shall be made on the basis of (and expressed in terms of) an acre-foot of volume, or a fraction thereof. All fees paid to the Village under this Section shall be segregated, held, and disbursed only to pay the costs of such alternate stormwater management measures as the Village deems appropriate.

2. Payment of the stormwater fee (as hereinafter set forth) in lieu of providing detention storage as otherwise required by this Chapter shall be permitted only if the owner and their engineer can substantiate hardship in complying with the detention storage provisions of this Chapter. The Village Board of Trustees, after consideration of the Village Engineer's report and recommendation, shall recognize a hardship if, upon evidence presented to the Village Board of Trustees, it makes the following findings of fact:
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the stormwater storage provisions of this Chapter;
 - b. Failure to permit paying the stormwater fee in lieu of detention would constitute a hardship to the owner which has not resulted from actions of the owner;
 - c. Payment of the stormwater fee has a beneficial purpose and is otherwise lawful;
 - d. Waiving installation of detention will have no materially adverse effect upon the efficiency of water flow capacity or water detention storage capacity of any floodway or floodplain, as determined by the Village Engineer;
 - e. Waiving the installation of detention will not materially increase the probability of potential flood damage either to the subject property or to materially increase stormwater drainage to other properties, as determined by the Village Engineer;
 - f. Waiving installation of detention will not alter the essential character of the vicinity.
3. No person or property subject to stormwater detention requirements shall be exempt therefrom unless:
 - a. The Village Board of Trustees shall have passed an ordinance approving the payment of the stormwater fee in lieu of providing detention storage; and
 - b. Such fee has in fact been paid to the Village.
4. The stormwater fee shall be calculated as follows:
 - a. The fee from an owner-developer under this Section shall be calculated at the rate of one hundred twenty percent (120%) of the estimated cost of the stormwater retainment system. The stormwater fee shall be calculated by the Village Engineer to be sufficient to compensate the Village for total expenses in providing alternate stormwater management measures. This amount shall be considered current at the time of passage of this Chapter.

b. From time to time, as frequently as the Village may deem it necessary or desirable, the Village shall determine and establish the cost to the Village of providing the alternate stormwater management measures such cost to include, without limitation, the cost of necessary land acquisition, engineering expenses, legal fees and other related expenditures. The amount so determined and established shall serve as the basis for the calculation of the stormwater fee to be paid, as provided in this Section until such time as a different amount is determined and established by the Village Board of Trustees.

* * *

SECTION 3: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4: EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Garcia, seconded by Trustee Sandoval, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 5 day of March, 2024, pursuant to a roll call vote as follows:

AYES: 6 (Garcia, Sandoval, Abbott, Richardson, Malone, Skillman)

NAYS: 0

ABSENT: 0

present: 1 (Frost)

APPROVED by me this 5 day of March, 2024.

(SEAL)


John Skillman, Village President

ATTEST:


Tania Gomez, Village Clerk

CERTIFICATION

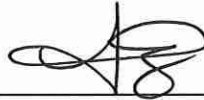
I, Tania Gomez, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 5 day of March, 2023, the foregoing Ordinance entitled, ***AN ORDINANCE AMENDING TITLE 17 OF THE "CARPENTERSVILLE MUNICIPAL CODE," REGARDING A STORMWATER FEE-IN-LIEU PROGRAM***, was duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 24-13, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 5 day of March, 2024, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 5 day of March, 2024.



Tania Gomez, Village Clerk
Village of Carpentersville,
Kane County, Illinois

(SEAL)

